

June 14, 2013

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *In the Matter of Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications, PS Docket No 11-153; and In the Matter of Framework for Next Generation 911 Deployment, PS Docket No. 10-255*

Dear Ms. Dortch:

CTIA – The Wireless Association® (“CTIA”) and its wireless industry members have long supported the policy that all wireless subscribers should be able to access emergency communications services when they need those services most. While the wireless industry continues to work with the Commission to develop innovative text-to-911 solutions, CTIA believes the Commission’s recently-adopted text-to-911 “bounce-back message” Order¹ imposes technically-infeasible obligations on CMRS providers. To help remedy this problem, CTIA requests that the Commission immediately issue an order or declaratory ruling clarifying that the newly-adopted Section 20.18(n)(7) is not intended to impose automatic bounce-back message obligations on CMRS providers (acting as serving carriers) when consumers roam on their networks.

At the outset, CTIA notes that the relief it requests will *not* prevent consumers who are roaming from receiving the bounce-back message mandated under new rule Section 20.18(n)(3). However, CTIA has significant questions about the technical feasibility of providing a proper automatic bounce-back to a roaming subscriber. Notably, the Commission’s Order highlighted that the Texas 911 Entities’ found that “‘the *home carrier* of a SMS subscriber may currently need to be responsible for generating the required bounce-back message.’”² The Commission’s Emergency Access Advisory Committee (“EAAC”) also reported that SMS text messages are “under home operator control” and therefore “must be routed to a wireless subscriber’s home network for processing, regardless

¹ *In the Matter of Facilitating the Development of Text-to-911 and Other Next Generation 911 Applications*, PS Docket No. 11-153; and *In the Matter of Framework for Next Generation 911 Deployment*, PS Docket No. 10-255, Order, FCC 13-64 (rel. May 17, 2013) (“Order”).

² Order at ¶ 71 (quoting Reply Comments of the Texas 9-1-1 Entities, PS Docket No. 11-153, PS Docket No. 10-255, at 4 (Feb. 8, 2013) (“Texas 9-1-1 Entities February 2013 Reply Comments”)) (emphasis added).

of the network and location from which the SMS message originated.”³ In sum, current network architectures are such that it is technically infeasible for serving carriers to provide wireless subscribers roaming on their networks with an automatic bounce-back message. As commenters in this proceeding have confirmed, existing network architectures are engineered such that only the home carrier can generate a bounce-back message for a roaming subscriber.⁴ Therefore, generating automatic bounce-back messages is currently beyond the technical capabilities of serving carriers.

Despite these technical limitations, new rule Section 20.18(n)(7) broadly requires a covered CMRS provider to “provide an automatic bounce-back message to any consumer roaming on its network who sends a text message to 911” by September 30, 2013.⁵ As written, Section 20.18(n)(7) could be read to place the obligation on the serving carrier (either alone or in conjunction with the home carrier), even though the serving carrier cannot itself generate an automatic bounce-back message for a roaming subscriber. Other commenters in this proceeding have already noted that Section 20.18(n)(7) may be susceptible to such an expansive reading. For example, AT&T recently explained that Section 20.18(n)(7) may “need additional clarification so that the extent of th[e] obligation is merely for the ‘home carrier’ (i.e. the carrier of the customer originating the message) to provide a bounce-back message about the unavailability of text-to-911 services when customers attempt to send text messages to 911 while roaming.”⁶

In light of the above, CTIA respectfully requests that the Commission issue a prompt clarification explaining that Section 20.18(n)(7) applies strictly to home carriers, who are technically capable of providing a bounce-back message to consumers attempting to text 9-1-1, and indicating that the rule will not obligate the serving carrier upon the September 30, 2013 compliance deadline. Such clarification would prevent the Commission from imposing a technically infeasible requirement on serving carriers, while still promoting the Commission’s goal of making a bounce-back message available to roaming wireless subscribers.

³ EAAC, *Report of Emergency Access Advisory Committee (EAAC) Subcommittee 1 on Interim Text Messaging to 9-1-1*, at 10 (March 1, 2013) (“EAAC March 2013 Text Messaging Report”).

⁴ This limitation has been explained by the EAAC and confirmed by commenters. *See id.*; *see also* Comments of CTIA – The Wireless Association®, PS Docket No. 11-153, PS Docket No. 10-255, at 12-13 (Jan. 29, 2013) (“CTIA January 2013 Comments”); Texas 9-1-1 Entities February 2013 Reply Comments at 4.

⁵ 47 C.F.R. § 20.18(n)(7). Insofar as there may be uncertainty as to the deadline for compliance with the new rules, the Commission should clarify that the September 30, 2013, deadline applies to all of the new rules.

⁶ *See* Letter from Jamie M. Tan, Director, Federal Regulatory, AT&T Services, Inc., PS Docket No. 11-153, PS Docket No. 10-255 (Jun. 11, 2013); Letter from Nneka Chiazor, Executive Director, Federal Regulatory Affairs, Verizon, PS Docket No. 11-153, PS Docket No. 10-255 (Jun. 13, 2013).

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this letter is being electronically filed via ECFS with your office. Please direct any questions to the undersigned.

Sincerely,

/s/ Brian M. Josef

Brian M. Josef
Assistant Vice President – Regulatory Affairs
CTIA – The Wireless Association®

cc: David Turetsky
David Furth